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Air Pollution Regulations in State Implementation Plans: California, Mariposa County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Mariposa County

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California

Mariposa County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-18

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MARIPOSA COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	Numerous Reg. changes, all approved unless stated otherwise
1/10/78	8/22/77	New set of Regs. approved: 101, 102, 201, 202, 203(a-f, h, i, k), 204-216, 301-303, 305-306, 308-213, 315-323, 401-403, 405-409, 600-618 (NOTE: Rule 209 Disapproved; 6.4 from 6/30/72 Submittal in effect.)

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STATE AIR POLLUTION REGULATIONS

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REGULATION I

DEFINITIONS

REGULATION I

(2.0) RULE 101 Title:

These rules and regulations shall be known as the Rules and Regulations of the Mariposa County Air Pollution Control District.

(1.0) RULE 102 Definitions:

Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health & Safety Code of the State of California.

A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Mariposa County.

B. Agricultural Burning. Any open outdoor fire used in agricultural operations in the growing of crops or raising of fowls or animals, or in forest management or range-improvement; or used in the improvement of land for wildlife and game habitat.

C. Agricultural Operation. The growing and harvesting of crops, or raising of fowls or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.

D. Agricultural Wastes. Are (a), unwanted or unsellable materials produced wholly from agricultural operations and, (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticides sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

E. Air Contaminant or Pollutant. Includes smoke, dust, charred paper, soot, grim, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

F. Alteration. Any addition to, enlargement of, replacement of or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.

G. Approved Ignition Devices. Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid

petroleum (L.P.G.), butane, propane, or diesel oil burners; or flares; or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil, and other similar materials.

H. A.R.B. The State Air Resources Board, or any person authorized to act on it's behalf.

I. Atmosphere. The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be an emission into the atmosphere.

J. Board. The Mariposa County Air Pollution Control Board.

K. Brush Treated. The material has been felled, crushed or up-rooted with mechanical equipment, or has been desicated with herbicides.

L. Combustible or Flammable Waste. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

M. Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

N. Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or generated by sublimation, distillation, calcination or chemical reaction; when these processes create airborne particles.

O. Designated Agency. Any agency designated by the ARB and Mariposa County Air Pollution Control District as having authority to issue Agricultural Burn Permits.

P. District. Is the Air Pollution Control District of Mariposa County.

Q. Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.

S. Emission Data. Are measured or calculated concentrations of weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

T. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.

V. Forest Management Burning. Means the use of open fires, as part of a forest management practice, to remove forest debris. Forest Management practices include timber operations, silvicultural practices or forest protection practices.

W. Fossil Fuel-fired Steam Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

X. Hearing Board. The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.

Y. Incineration. An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk in facilitate its disposal.

Z. Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.

AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

BB. Institutional Facility. Means any hospital, boarding home, school or like facility.

CC. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.

DD. No-Burn Day. Means any day on which agricultural burning is prohibited by the A.R.B.

EE. Open Out-Door Fire. As used in this regulation means: Combustion of any combustible material of any type, outdoors in the open air, where the product of combustion is not direct through a flue.

FF. Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of material.

GG. Orchard or Citrus Heaters. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

HH. Owner or Operator. Means any person who-owns, leases, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.

II. Particulate Matter. Is any material except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

JJ. Permissive Burn Day. Means any day on which agricultural burning is not prohibited by the A.R.B.

KK. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.

LL. PPm. Parts per million by Volume expressed on a dried gas basis.

MM. Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The Process Weight Per Hour will be derived by dividing the total Process Weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in RULE 409 c, Regulation IV.

OO. Range Improvement Burning. Means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

PP. Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.

QQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on it's premises, limited to the following material;

Wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.

RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of an air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.

SS. Section. Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

TT. Silvicultural Practices. Means the establishment, development, care and reproduction of stands of timber.

UU. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.

VV. Standard Conditions. As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

WW. Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

XX. Tahoe Basin. Means that area, within the State of California, as defined by the California Nevada Interstate Compact, Article 11, Paragraph C, as contained in Section 5976 of the State Water Code.

YY. Timber Operations. Means cutting or removal of timber or other forest vegetation.

ZZ. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

REGULATION II

PROHIBITIONS

REGULATION II

(2.0) RULE 201 District-Wide Coverage.

Prohibitions, as set forth in this Regulation, shall apply in all portions of the Mariposa County Air Pollution Control District unless otherwise stated.

(50.1.2) RULE 202 Visible Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

(1) as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section.

(2.0) RULE 203 Exceptions.

The provisions of RULE 202 do not apply to:

a) Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary.

(1) for the purpose of the prevention of a fire or health hazard as determined by the Health Officer, which cannot be abated by any other means; or

(2) the instruction of public employees and/or volunteer firemen in the methods of fighting fires.

b) Smoke from fires set pursuant to permit on property used for industrial-purposes for the purpose of instruction of employees in methods of fighting fires.

c) Open outdoor fires used for recreational purposes or for cooking of food for human consumption.

d) The use of an experimental device, system or method to study or research open burning authorized by Chapter 10 of Division 26 of the California Health & Safety Code and these Rules & Regulations.

e) Agricultural Operations. In the growing of crops or raising of fowl or animals.

f) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.

h) Orchard or Citrus Grove Heaters that are on the approved list published by the State Resources Board (Section 39298.7)

i) The governing board of the district may by rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit. (Health and Safety Code Section 24245.1).

k) Smoke or fumes which result from acts of God.

(50.1.2) RULE 204 Wet Plumes.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that Rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

(50.7) RULE 205 Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

Exception: The provisions of RULE 205 do not apply to odors emanating from agriculture operations in the growing of crops or raising of fowl or animals.

(51.9) RULE 206 Incinerator Burning.

Except for the burning of Residential Rubbish, as defined in Rule 102QQ a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District except in a multiple-chamber incinerator as defined in Rule 102CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(50.1) RULE 207 Particulate Matter.

A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes, or particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions, except for incinerators and Wood Fired Boilers which shall

meet 0.2 grains per cubic foot of gas at standard conditions. Combustion contaminants shall be calculated at 12 percent of carbon dioxided (CO_2) at standard conditions.

(51.1) RULE 208 Orchard or Citrus Heaters.

a) The following Section of the State of California Health & Safety Code, and any future amendments thereto, are part of these Rules & Regulations by reference: Section 39398.7 et. seq., Article 4, Chapter 10, Part 1, Division 26.

b) All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

c) It shall be unlawful for any person, for the purpose of frost protection to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other container except orchard heaters.

(50.2) RULE 210 Sulfur Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any sulfur combination thereof, exceeding in concentration at the point of discharge:

a) Sulfur compounds calculated as sulfur dioxide (SO_2) 0.2 percent, by volume.

b) Total reduced sulfur: Pending further investigation into a rule which will be applicable to the Mountain Counties Air Basin.

(50.1.1) RULE 211 Process Weight Per Hour.

A person shall not discharge into the atmosphere from any source operation particulate matter in excess of that allowed on the table in RULE 212.

(50.1.1) RULE 212 Process Weight Table. (Next Page)

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate	Emission Rate
Lbs/Hr.	Lbs/Hr.
50	.4
100	.6
500	1.5
1,000	2.3
5,000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

Interpolation of the data for the process weight rates up to 60,000 lbs/hr. shall be accomplished by the use of equation:

$E=3.59\ P^{0.62}$ $P \leq 30$ tons/hr

and interpolation of extrapolation of the data for process weight rates in excess of 60,000 lbs/hr. shall be accomplished by use of the equation:

$E=17.31\ P^{0.16}$ $P \geq 30$ tons/hr

Where: E=Emission in pounds per hour.
P=Process weight rate in tons per hour.

(51.16) RULE 213 Storage of Petroleum Products.

a) The following section of the State of California Health and Safety code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et. seq., Article 2, Chapter 3, Part 1, Division 26.

b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with equipment described in Section 39068.4 or Section 39068.5 or other equipment of equal efficiency provided such equipment is approved by the Air Pollution Control Officer.

(51.21) RULE 214 Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a) Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to the Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of the Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provisions of the Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(15.0) RULE 215 Enforcement.

The following section of the State of California Health and Safety Code, and any future amendment thereto, are part of these Rules and Regulations by reference: Section 24246, Article 3, Chapter 2, Division 20.

(2.0) RULE 216 Existing Sources.

In any case where this Regulation II imposes standards different than the standards applicable to an existing source of emissions on September 15, 1974, and the source of emission was in compliance, under variance, or permit to construct, with the less restrictive standards applicable on such date; then the source shall remain in compliance with such rule, until modified as described below or until July 1, 1964, whichever is less. In no event shall any modifications cause an increase in emissions over those being emitted prior to such modification.

"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a rule applies) emitted by such facility or which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:

1. Routine maintenance, repair, and replacement shall not be considered physical changes, and

2. The following shall not be considered a change in the method of operation:

   a) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility:

   b) An increase in hours of operation.

REGULATION III

OPEN BURNING

REGULATION III

PROHIBITIONS AND EXCEPTIONS

(51.13) RULE 301 Open Outdoor Fires.

No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

(51.13) RULE 302 Exceptions to Rule 301.

A. Except as otherwise provided in Rule 321, nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

   1. To any public fire officer to set or permit a fire when such fire is, in his opinion, necesssary for any of the following purposes:

      (a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or:

      (b) The instruction of public employees and/or volunteer firemen, in the methods of fighting fire;

      (c) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

   2. To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

B. Except as otherwise provided in Rule 316, 317 and 318, nothing in these Rules and Regulations shall be construed as limiting the use of open fires for agricultural burning, as defined in Rule 102B.

C. Open fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes. (See Rule 319).

D. Open fires for right-of-way clearing by a public entity or utility or for levee, ditch and reservoir maintenance. (See Rule 320).

E. Open fires for the burning of Residential Rubbish as defined in Rule 102QQ.

F. Open fires for recreational purposes, such as the cooking of food for human consumption.

G. Open fires as authorized by A.R.B. for the operation of a solid waste dump under an extension. (See Section 39297.4).

(3.0) (51.13) RULE 303 Burning Permits.

A. No person shall knowingly set or permit open outdoor fires for:

1. Agricultural burning or hazard reduction burning unless that person has been issued a valid permit from a designated agency.

2. Levee, ditch, right-of-way or reservoir maintenance burning or the burning of wood waste on property where grown unless the person has been issued a valid permit from the Air Pollution Control Officer.

B. A permit shall not be issued to an applicant unless information is provided as required by the Mariposa Air Pollution Control District, such as;

1. Name and address of the permittee.

2. Location of the proposed burn.

3. Acreage or estimated tonnage of material to be burned.

4. The type of material to be burned.

5. Under what category burning will take place, i.e., agricultural, forest management, range improvement, wood waste on property where grown, or hazard reduction.

6. Distance to nearest residential area (in miles).

7. Reason for burning.

8. The permittee shall read the permit and sign same.

C. Each permit shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 39298 OF THE HEALTH AND SAFETY CODE".

D. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

(3.0) RULE 305 Permit Validity.

No permit shall be construed to authorize open burning fires for any day during which:

A. Agricultural burning is prohibited by the A.R.B.

B. Open burning is prohibited to public fire control agencies for fire control or prevention.

(51.13) RULE 306 No-Burn Days.

No person shall knowingly permit agricultural burning, or burning of wood waste on property where grown or hazard reduction burning, or right-of-way clearing and levee, ditch and reservoir maintenance burning, on days when such burning is prohibited by the A.R.B.

(13.0) (51.13) RULE 308 Burning Reports.

A. The name, location, type and amount of waste material burned daily must be reported to the designated agency within 5 days following completion of the burn.

B. The designated agency shall forward above information to the Mariposa County Air Pollution Control Officer monthly.

(51.13) RULE 309 Amount Burned Daily.

Agricultural waste and other material shall be arranged so that it will burn with a minimum amount of smoke, and except for large trees, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hour shall be ignited in any one day.

(51.13) RULE 310 Approved Ignition Devices.

All open fires as authorized by this Regulation shall be ignited only with approved iginition devices as defined in Rule 102G and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

(51.13) RULE 311 Restricted Burning Days.

The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amounts being burned each day are creating significant degradation of the air quality. On days of restricted burning, the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage tonnage allocated to the designated agencies by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to be burned to each agency based on the

estimated number of acres of tonnage in the geographic area covered by the agency.

(51.13) RULE 312 Wind Direction.

Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.

(51.13) RULE 313 Minimum Drying Times.

To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

A. A minimum of three (3) days for straw and stubble.

B. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable crops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

C. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.

(51.13) RULE 315 Preparation of Material to be Burned.

A. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, also reasonably free of dirt, soil and visible surface moisture.

B. Material stacked for burning shall not be burned unless it is loosely stacked in such a manner as to promote drying and insure combustion with a minimum amount of smoke.

OPEN BURNING CATEGORIES

(51.13) RULE 316 Burning of Agricultural Waste.

Rule 301 through rule 315, inclusive, shall apply to the open burning of all agriculture waste.

(51.13) RULE 317 Range Improvement Burning.

A. Rule 301 through 315, inclusive, and the following section of this rule shall apply to Range Improvement Burning.

B. Brush shall be treated (see Rule 102K) at least six (6) months prior to the burn if economically and technically feasible.

C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

D. Material should be windrowed or piled if economically and technically feasible.

E. If the burn is to be accomplished primarily for improvement of land or wildlife and game habitat, the permit applicant shall obtain a written statement from the State Department of Fish and Game, certifying that the burn is desirable and proper.

(51.13) RULE 318 Forest Management Burning.

A. Rule 301 through 315, and the following sections of this rule, with the exception of Rule 313, shall apply to Forest Management Burning.

B. Waste material should be windrowed or piled where possible, unless silvicultural practice (see Rule 102TT) dictates otherwise.

C. Drying time shall be specified by the designated agency.

(51.13) RULE 319 Open Burning of Wood Waste on Property Where Grown.

This rule authorizes the use of open outdoor fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes under the following conditions:

A. Rule 301 through 315, inclusive, and the following section of this rule shall apply to open burning of wood waste on property where grown.

B. Unwanted trees over six (6) inches in diameter are to be felled and dried prior to the burn.

C. Wood waste should be windrowed if economically and technically feasible.

D. Wood waste which is burned under this rule shall be limited to that grown on the property and free of other material.

E. This burning shall be conducted only on permissive burn days.

F. The Air Pollution Control Officer or staff shall review and sign all permits prior to the burning.

G. The governing Board of the district finds it more desirable to dispose of such wood waste by open burning than to dispose of it by other available means, at this time.

(51.13) RULE 320 Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance.

A. Rule 301 through Rule 315, inclusive, shall apply to the use of fires for right-of-way clearing by a public entity or utility or for levee, ditch and reservoir maintenance.

B. Except as provided in Paragraph C. the following conditions shall apply to all open outdoor burning for purposes of hazard reduction:

1. Rule 301 through Rule 315, inclusive, shall apply to Hazard Reduction Burning.

2. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

C. If the fire officer with jurisdiction determines that a condition exists in which a fire hazard, (or health hazard as determined by the Health Officer) will have imminent affect on life or property, he may waive the requirements of Paragraph B of this Rule, provided that a written report of such burning shall be forwarded to the Air Pollution Control Officer stating why life and property was being threatened requiring such burning and such other information as the Air Pollution Control Officer may reasonably require.

OPEN BURNING ENFORCEMENT

(15.0) (51.13) RULE 322 Enforcement Responsibility.

The Air Pollution Control Officer or his staff will be in the field to ensure that these Rules and Regulations are complied with and shall enforce all State and Mariposa County Air Pollution Control District regulations regarding air pollution control. See Enforcement Flow Chart on the next page.

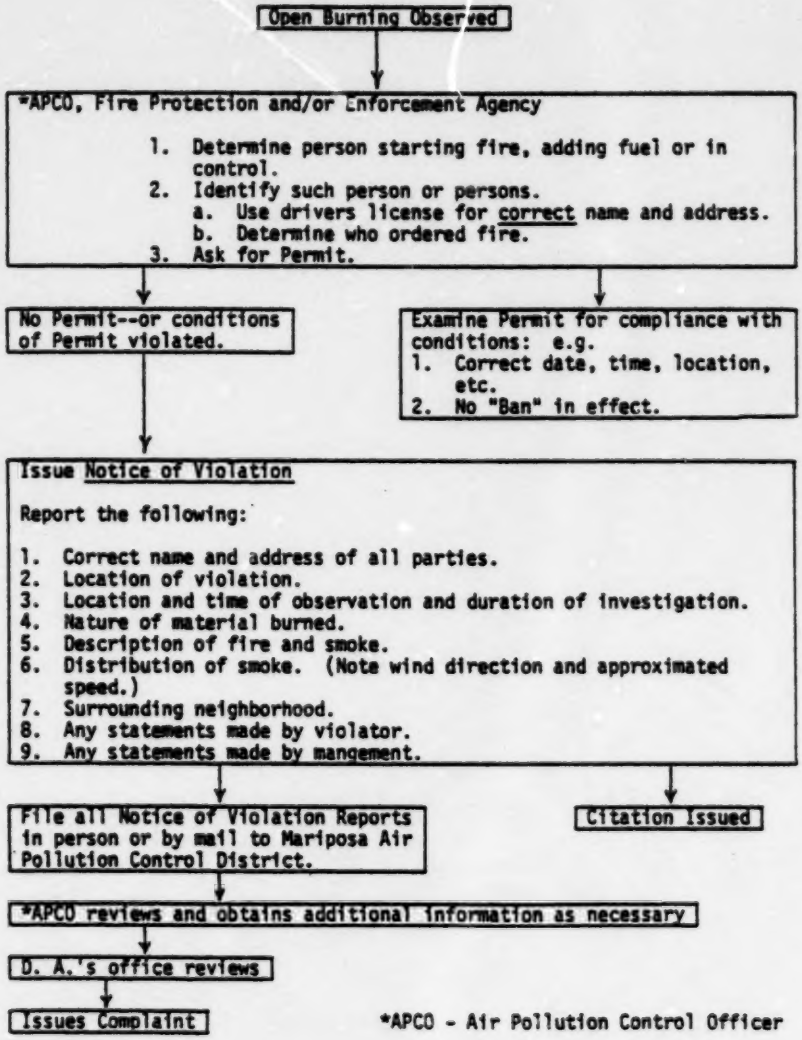
(15.0) (51.13) RULE 323 Penalty.

A violation of the provisions of this regulation or of Section 39296.1 or 39299 is a misdemeanor punishable by imprisonment in the County Jail not exceeding six (6) months or by fine not exceeding five hundred dollars, ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

ENFORCEMENT FLOW CHART

FOR

OPEN BURNING


Open Burning Observed
*APCO, Fire Protection and/or Enforcement Agency
1. Determine person starting fire, adding fuel or in control.
2. Identify such person or persons.
a. Use drivers license for correct name and address.
b. Determine who ordered fire.
3. Ask for Permit.
No Permit--or conditions of Permit violated.
Examine Permit for compliance with conditions: e.g.
1. Correct date, time, location, etc.
2. No "Ban" in effect.
Issue Notice of Violation
Report the following:
1. Correct name and address of all parties.
2. Location of violation.
3. Location and time of observation and duration of investigation.
4. Nature of material burned.
5. Description of fire and smoke.
6. Distribution of smoke. (Note wind direction and approximated speed.)
7. Surrounding neighborhood.
8. Any statements made by violator.
9. Any statements made by mangement.
File all Notice of Violation Reports in person or by mail to Mariposa Air Pollution Control District.
Citation Issued
*APCO reviews and obtains additional information as necessary
D. A.'s office reviews
Issues Complaint

*APCO - Air Pollution Control Officer

REGULATION IV

PERMIT SYSTEMS CONDITIONS

REGULATION IV

All permits issued pursuant to these Rules and Regulations are subject to the following rules:

(2.0) RULE 401 Responsibility.

The fact that an authorization to construct or modify, or a permit to operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission stanards would not be exceeded by such article, machine, equipment, or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain reponsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

(9.0) RULE 402 Authority to Inspect.

A. In the performance of his duties the Air Pollution Control Officer and his duly authorized agent shall have, as a condition of an authority to construct or a permit to operate, the right to access of the property for reasons of Air Pollution Control District inspections.

B. The Air Pollution Control Officer may issue identification cards, with the photograph of holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry.

(2.0) RULE 403 Responsibility of Permittee.

Issuance of a permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies.

(2.0) RULE 405 Separation of Emissions.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.

The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the Source Operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

(2.0) RULE 406 Combination of Emissions

a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.

b. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Rule 406 (a), the Rules and Regulations shall be applied to the combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

(2.0) RULE 407 Circumvention.

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of the Rule 205 of these Rules and Regulations.

(13.0) RULE 408 Source Recordkeeping and Reporting.

The owner or operator of any stationary source, shall, upon notification from the District, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the District to determine whether such source is in compliance with applicable emission limitations or other control measures. The Air Pollution Control Officer may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be at the expense of the person causing the emissions.

The information recorded shall be summarized and reported to the District, on forms or formats as furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the District issues notification of the recordkeeping requirements.

Information reported by the owner or operator and copies of the summarizing reports submitted to the District shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

(14.0) RULE 409 Public Records.

a. All information, analysis, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce which the District requires any appliant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machines, equipment, or other contrivance, are public records.

b. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

c. Except as otherwise provided in (d), trade secrets are not public records under this Regulation. Trade secrets, as used in this Regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material is a trade secret. The Air Pollution Control Officer shall rule on the validity of trade secrecy claims.

d. Notwithstanding any other provisions of the law, all air pollution emission data, including these emission data which constitute trade secrets as defined in (c), are public records. Data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

REGULATION VI

PROCEDURE

BEFORE THE HEARING BOARD

REGULATION VI

(2.0) RULE 600 Applicable Articles of the Health and Safety Code.

The provisions of Article 5 and Article 6, Chapter 2, Division 20, of the State of California Health and Safety Code, respectively entitled Variances and Procedure, are applicable within the boundaries of the Mariposa County Air Pollution Control District.

(2.0) RULE 601 General.

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(16.0) RULE 602 Filing Petitions.

Requests for hearing shall be initiated by the filing of a petition, in triplicate with the clerk of the hearing board, and the payment of the fee as provided for in Rule 618 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) RULE 603 Contents of Petitions.

Every petition shall state:

a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partner, corporation or other entity, and names and address of the partners if a co-partnership, names and addresses of the persons in control, if other entity.

c. The type of business or activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

e. The section or rule under which the petition is filed:

1. To determine whether a permit shall be revoked, or a suspended permit reinstated under Section 24274, Health and Safety Code;

2. For a variance under Section 24292, Health and Safety Code;

3. To revoke or modify a variance under Section 24298, Health and Safety Code;

4. To review the denial or conditional granting of an authority to construct or permit to operate under Rule 501 of these Rules and Regulations.

f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

g. Petitions for revocation of permits shall allege, in addition, the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the constituting such alleged violations.

h. Petitions for reinstatement of suspended permits shall allege, in addition, the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

i. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left of each sheet.

j. Petitions for variance shall include a proposed final compliance date with increments of progress, when applicable.

(2.0) RULE 604 Petitions for Variances.

The Petition for Hearing form, as provided, shall be filled out completely.

(3.0) RULE 605 Appeal from Denial.

A petition to review the denial or conditional approval of a permit, shall, in addition to the information required by Rule 603, set forth a summary of the permit application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) RULE 606 Failure to Comply with Rules.

The clerk of the hearing board shall not accept for filing any petition which does not comply with these rules relating to form, filing and service of petitions unless the chairman of the hearing board directs otherwise and confirms such direction in writing. Such direction need not be made at a meeting of the hearing board.

(2.0) RULE 607 Answers.

Any person may file an answer within ten (10) days after service. All answers shall be served in the same manner as are petitions under the provisions of Rule 602.

(2.0) RULE 608 Dismissal of Petition.

The petitioner may dismiss his petition at any time before submission of the case to the hearing board, without a hearing or meeting of the hearing board. The clerk of the hearing board shall notify all interested persons of such dismissal.

(16.0) RULE 609 Place of Hearing.

All hearings shall be held at a place designated by the Hearing Board.

(16.0) RULE 610 Notice of Hearing.

The clerk of the hearing board, not less than 30 days prior to such hearing, shall mail or deliver a notice of hearing to the petitioner, the air pollution control officer, the holder of the permit or variance involved, the "Federal Environmental Protection Agency", the A.R.B., each air pollution control district in the Air Basin, and to every person who requests such notice. In addition, said notice shall be published in a newspaper of general circulation in each of the counties within the district. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people witnin the district of the nature and purpose of the hearing. (In the event of extreme emergency that will or may threaten the public health and welfare, as determined by the hearing board, or a petition filed pursuant to Rule 603, e, 1, or 603, e, 4, the above 30 day period may be reduced to 10 days.)

(2.0) RULE 611 Evidence.

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights:

1. To call and examine witnesses;

2. To introduce witnesses;

3. To cross-examine opposing witnesses on any matter relevant to to the issues, even though that matter was not covered in the direct examination;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him.

c. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

d. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

e. All evidence, oral or written, and all exhibits, shall be recorded at the time of the hearing and all records shall be maintained for a period of time as specified by law or as determined by the Air Pollution Control Board.

(2.0) RULE 612 Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings determinative of the merits of the case may be made by the chairman of the hearing board without a hearing or meeting of the hearing board and without notice.

(2.0) RULE 613 Official Notice.

The hearing board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 614 Continuances.

The chairman of the hearing board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the hearing board and without prior notice.

(2.0) RULE 615 Decision.

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issue presented and the order of the hearing board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) RULE 616 Effective Date of Decision.

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 615 or the hearing board may order that the decision shall become effective sooner.

(3.0) RULE 617 Lack of Permit.

The hearing board shall not receive or accept a petition for a variance for the operation or use of any equipment until a permit has been granted or denied by the air pollution control officer; except that an appeal from a denial of a permit and a petition for a variance may be filed with the hearing board in a single petition. A variance granted by the hearing board after a denial of a permit by the Air Pollution Control Officer may include a permit for the duration of the variance.

(16.0) RULE 618 Hearing Board Fees.

a. Every applicant or petitioner for a variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent, except any state or local governmental agency or public district, shall pay the clerk of the Hearing Board, on filing, a fee not to exceed the cost of the hearing.

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(51.5) 6.4 Fuel Burning Equipment.
(51.6)
(51.7) A person shall not build, erect, install or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

a. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

c. 10 pounds per hour of combustion contaminants as defined in Rule 2 (e) and derived from the fuel.

For the purpose of this Rule, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its air mass rate of air contaminant emissions.

(3.0) 12. Permits Required.

No person shall build, alter, or replace any equipment, the use of which may cause the issuance of air contaminants, without first having been issued a special use permit by the Mariposa County Planning-Commission. The Planning Commission shall not approve an application for a special use permit until it has been proven, by the applicant, that the Air Quality Standards set forth by the California Air Resources Board, or the U.S. Air Quality Board (whichever is more strict) and the Mariposa County Air Pollution Control Board, can, and will be complied with at all times while the equipment is in operation. Whenever specialized testing equipment, laboratory services, recording equipment, or other equipment, services, or devices are required, or deemed to be beneficial to the county, such equipment, services or devices shall be provided, or financed, by the person applying for and receiving the special use permit.

(3.0) 13. Appeals.

In the event a special use permit application is denied by the Planning Commission, the applicant may, within ten days apply in writing for an appeal hearing by the Air Pollution Control Hearing Board of the Mariposa Air Pollution Control District.

(3.0) 14. Posting of Permit.

Every person issued a special use permit under these Rules and Regulations shall post said special use permit in a conspicuous place and manner on the premises on which the equipment, for which the permit was secured, is operating.

(3.0) 15. Altering of Permit.

No person shall willfully deface, alter, or change any permit issued under these Rules and Regulations.

(3.0) 16. Revocation of Permit.

Failure to comply with the Air Quality Standards, as set forth in Rule 12 or the conditions defined on the Special Use Permit, will result in the immediate revocation of said permit by the enforcement officer. A person whose permit has been so revoked may appeal for a hearing by the Air Pollution Control Board at its next regularly scheduled meeting. If the revocation is upheld by the Board, the person requesting a permit must re-apply to the Planning Commission as set forth in Rule 12.

(15.0) 17. Penalty.

Every person who violates any provision of these Rules is guilty of a misdemeanor and is subject to a fine not to exceed $500.00 or imprisonment in the County Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.